



STATE OF ARIZONA

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April 4, 2008

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2263; Parental Consent; Abortion

Dear Speaker Weiers:

Today I vetoed House Bill 2263, which would have amended Arizona's parental consent law, A.R.S. § 36-2152. Under the current law, a minor must obtain consent from her parents or guardian before having an abortion, unless she is already emancipated or unless she is able to prove to a superior court judge that she is sufficiently mature and capable of giving informed consent.

House Bill 2263 purports to add a clear and convincing standard of proof by which the minor must convince the judge of her maturity and capability to give consent and outlines the factors a judge may consider in making her determination. As I said the last time a version of this bill came before me in 2006, the bill is unnecessary to achieve these goals. Arizona case law already sets forth the clear and convincing standard of proof for judicial bypass of the parental consent requirement. *See In re B.S.*, 205 Ariz. 611, 74 P.3d 285 (Ct. App. Div. 1 2003). In that same case, the court listed the factors for the judge's consideration proposed by House Bill 2263, as well as other factors.

For this and other reasons, I have vetoed House Bill 2263. As I have offered in my letter to you regarding House Bill 2769, let us work together on remedying the root issue of unwanted pregnancies, particularly teenage pregnancies, by addressing such issues as family planning and the prevention of sexual violence against women. I stand ready to work together to address these matters in a bi-partisan manner.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano".

Janet Napolitano
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee
The Honorable Warde Nichols